

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ADIL SHAFI, an individual,

Defendant/Counterclaim Plaintiff

Case No. 09-10454

v.

Hon. Victoria A. Roberts

BRAINTech, INC, a Nevada corporation,

Counterclaim Defendant,

and

FREDERICK WEIDINGER, an individual,

Additional Counterclaim Defendant.

**DEFENDANT ADIL SHAFI'S MOTION FOR BRIEF ADJOURNMENT OF
PRETRIAL CONFERENCE**

Defendant, Adil Shafi, through his attorneys, Berry Moorman P.C., hereby requests a brief adjournment of the Final Pretrial Conference scheduled for June 17, 2011. In support of this motion, Shafi avers as follows:

1. As this Court is aware, Defendant Braintech's "successor" and Frederick Weidinger, who was dismissed from this case on summary judgment grounds, refiled claims against Shafi in the Eastern District of Virginia.

2. Shafi has filed motion papers seeking dismissal of the case filed in the Eastern District of Virginia, or in the alternative, to transfer venue to the Eastern District of Michigan.

3. The Eastern District of Virginia federal court has established a hearing date of June 17, 2011, the same date on which the Final Pretrial Conference in this matter is scheduled.

4. Shafi's counsel in this matter would prefer to attend the hearing in the Eastern District of Virginia due to his extensive background representing Shafi in this matter before this Court. In addition, lead local counsel retained by Shafi in the Eastern District of Virginia is unavailable to attend this hearing.

5. This case has been significantly simplified by the Court's ruling on summary judgment motions, and based upon the Final Pretrial Order worked out between the parties, it appears that the trial of this matter will take one day or less. In addition, pending motions in limine may further reduce the time needed to try this case. Due to the simplification of the issues, counsel for Shafi expects the Pretrial Conference to be relatively short and uncomplicated.

6. Accordingly, Shafi requests a brief adjournment of the Final Pretrial Conference into the week of June 20th, 2011. This may also benefit the Court's final disposition of this matter because the Court in the Eastern District of Virginia is expected to rule on the pending motion to dismiss, or alternatively, to transfer venue to this Court, on June 17. Delaying the Final Pretrial Conference until after the Eastern District of Virginia issues its ruling will allow the Court and the parties to have the benefit of the ruling of the Court in the Eastern District of Virginia. Shafi requests that the Court schedule a telephone conference as soon as possible to address the adjournment.

WHEREFORE, Defendant Adil Shafi respectfully requests a brief adjournment for the Final Pretrial Conference set by the Court for June 17, 2011.

I certify, pursuant to local rule, that I have sought the concurrence of opposing counsel in the relief sought, but no concurrence was given.

Respectfully submitted,

BERRY MOORMAN P.C.

By: s/James P. Murphy
James P. Murphy (P36728)
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June 8, 2011

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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT ADIL SHAFI'S MOTION
FOR BRIEF ADJOURNMENT OF PRETRIAL CONFERENCE**

In support of the Motion for Brief Adjournment of Pretrial Conference, Adil Shafi
relies upon the applicable Federal Rules of Procedure.

Respectfully submitted,

BERRY MOORMAN P.C.

By: s/James P. Murphy
James P. Murphy (P36728)
Attorneys for Defendant/Counterclaim
Plaintiff
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June 8, 2011

CERTIFICATE OF SERVICE

STATE OF MICHIGAN)
)ss
COUNTY OF WAYNE)

I hereby certify that on the 8th day of June, 2011, a copy of the foregoing Defendant Adil Shafi's Motion for Brief Adjournment of Pretrial Conference and Memorandum of Law in support was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

Respectfully submitted,

BERRY MOORMAN P.C.

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Plaintiff
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